



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C. (MD).No.571 of 2022

and

CRL.M.P. (MD)No.7064 of 2022

N.Ramesh : Petitioner/Petitioner/Accused
Vs.

G.Krishnan : Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 (1) r/w 401 of Cr.P.C, to call for the records relating to the order dated 20.04.2022 made in Crl.M.P.No.47 of 2022 in S.T.C.No.1846 of 2019 on the file of the Judicial Magistrate No.I, Kumbakonam and set aside the same by allowing the above revision.

For Petitioner : Mr.V.Sasikumar

ORDER

The Criminal Revision Case is directed against the order passed in Crl.M.P.No.47 of 2022 in S.T.C.No.1846 of 2019 on the file of the Judicial Magistrate No.I, Kumbakonam, dismissing the application filed under Section 45 of Indian Evidence Act, seeking orders to send the Ex.P.1/cheque for comparison by an handwriting expert.

2. The respondent has filed a complaint under Section 200 Cr.P.C., against the petitioner for the offence under Section 138 r/w 142 of Negotiable Instruments Act.

3.When the case was pending for proceedings under Section 313 Cr.P.C, the above application came to be filed under Section 45 of Indian Evidence Act , seeking orders to send the Ex.P.1 cheque for comparison by an handwriting expert.

4.The respondent has filed a counter raising serious objections to the above petition.

5.The learned Magistrate, in the impugned order, has specifically observed that the present plea of disputing the signature found in Ex.P.1 cheque was not at all raised earlier, even when P.W.1 was cross examined and not even a suggestion was put to P.W.1 in that regard.

6. It is pertinent to note that the above case is pending from 2019 onwards, but the above application came to be filed in the year 2022.



7.Considering the above, this Court has no hesitation to hold that the above petition came to be filed only to protract the proceedings. Hence, this Court decides that the revision is absolutely devoid of merits and the same is liable to be dismissed. Accordingly, the Criminal Revision Petition is dismissed. Since the above case is pending from 2019 onwards, the learned Judicial Magistrate No.I, Kumbakonam, is directed to dispose of the case in S.T.C.No.1846 of 2019, within a period of two months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

das

To
The Judicial Magistrate No.I,
Kumbakonam.

CRL.R.C. (MD) .No.571 of 2022
and
CRL.M.P. (MD)No.7064 of 2022
24.06.2022

SRK(CO)
TR(06.07.2022) 2P 2C